



BAY AREA
AIR QUALITY
MANAGEMENT
DISTRICT

BOARD OF DIRECTORS' REGULAR MEETING

September 5, 2001

A meeting of the Bay Area Air Quality Management District Board of Directors will be held at 9:30 a.m. in the 7th floor Board room at the Air District headquarters, 939 Ellis Street, San Francisco, California.

Questions About an Agenda Item

The name and telephone number of the appropriate staff person to call for additional information or to resolve concerns is listed for each agenda item.

Meeting Procedures

The public meeting of the Air District Board of Directors begins at 9:30 a.m. The Board of Directors generally will consider items in the order listed on the agenda. However, any item may be considered in any order.

After action on any agenda item not requiring a public hearing, the Board may reconsider or amend the item at any time during the meeting.

BOARD OF DIRECTORS' REGULAR MEETING

A G E N D A

WEDNESDAY
September 5, 2001
9:30 A.M.

BOARD ROOM
7TH FLOOR

CALL TO ORDER

Opening Comments
Roll Call
Pledge of Allegiance

Randy Attaway, Chairperson
Clerk of the Boards

PUBLIC COMMENT PERIOD

Public Comment on Non-Agenda Items, Pursuant to Government Code Section 54954.3
Members of the public are afforded the opportunity to speak on any agenda item. All agendas for regular meetings are posted at District headquarters, 939 Ellis Street, San Francisco, CA, at least 72 hours in advance of a regular meeting. At the beginning of the regular meeting agenda, an opportunity is also provided for the public to speak on any subject within the Board's subject matter jurisdiction. Speakers will be limited to five (5) minutes each.

CONSENT CALENDAR (ITEMS 1 – 6)

Staff/Phone (415) 749-

1. Minutes of August 15, 2001 M. Romaidis/4965
2. Communications E. Garvey/4970
Information only
3. Report of the Advisory Council J. Kelly/4962
4. Report of Monthly Activities P. Hess/4971
Division activities for the month of July, 2001
5. Request Authorization to Notify the San Mateo County Treasurer and Controller of Change in Authorized Draft Signatures W. Tanaka/5066
Staff requests authorization to notify the San Mateo County Treasurer and Controller of change to authorized signature for District drafts. The authorization will require two signatures, that of the Executive Officer/APCO and that of the Director of Administrative Services. Dual signatures would be consistent with good accounting and control practices.
6. 2001 Clean Air Champions Award Presentation T.Lee/4905
The Board of Directors will recognize the winners of the 2001 Bay Area Clean Air Champions.

PRESENTATION

7. New Source Review Program for Toxic Air Contaminants B. deBoisblanc/4704
Staff will provide an overview of the District's New Source Review Program for Toxic Air Contaminants. This program is used to ensure that toxic air contaminant emissions from proposed new and modified stationary sources are controlled to acceptable levels.

OTHER BUSINESS

8. Plan for Implementation of August 1, 2001 Amendments to Regulation 2, Rule 1 and Regulation 9, Rule 8: Loss of Exemption for Standby and Portable Engines

B. deBoisblanc/4704

Pursuant to the August 1, 2001 motion approving amendments to Regulation 2, Rule 1 and Regulation 9, Rule 8: Loss of Exemption for Standby and Portable Engines, staff will present a plan for implementation of the amendments and additional information requested by the Board during the public hearing.

9. Report of the Air Pollution Control Officer
10. Chairperson's Report

CLOSED SESSION

11. Conference with District's Labor Negotiators
(Government Code § 54957.6(a))

*Agency Negotiators: Rich Sanchez, Human Resources Officer
Peter Hess, Deputy APCO*

Employee Organization: Bay Area Air Quality Management District Employees' Association, Inc.

12. Conference with Legal Counsel – Existing and Anticipated Litigation

Pursuant to Government Code Section 54956.9(a) and 54956.9(b), a need exists to meet in closed session with legal counsel to consider the following cases:

- A) **Bayview Hunters Point Community Advocates; Communities for a Better Environment; and Our Children's Earth Foundation v. Mirant Potrero, LLC and Bay Area Air Quality Management District**, USDC Case No. 012348 PJH.
- B) **City and County of San Francisco v. Mirant Potrero LLC**, USDC Case No. 012356 CB.
- C) **City and County of San Francisco's Notice of Intent to File Suite** per 42 U.S.C § 7604(a) against the Bay Area AQMD and Ellen Garvey, Anticipated Case.
- D) **CBE and TRANSDEF v Bay Area AQMD, MTC and ABAG** SFSC Case No. 323849.
- E) *Significant exposure to litigation on additional matter pursuant to Section 54956.9(b).*

OPEN SESSION

13. Consider Authorizing Executive Officer to Retain Outside Litigation Counsel to Represent District In Certain Matters

E. Garvey/4970

Pursuant to District Administrative Code, Division II, Section 4.6, consider authorizing Executive Officer with assistance from District Counsel to retain outside litigation counsel to represent the District on certain matters.

14. Board Members' Comments

Any member of the Board, or its staff, on his or her own initiative or in response to questions posed by the public, may; ask a question for clarification, make a brief announcement or report on his or her own activities, provide a reference to staff regarding factual information, request staff to report back at a subsequent meeting concerning any matter or take action to direct staff to place a matter of business on a future agenda. (Gov't Code § 54954.2)

15. Place of Next Meeting - 9:30 a.m., Wednesday, September 19, 2001 at the 939 Ellis Street, San Francisco, California 94109

16. Adjournment

EG:mag